

&c., founded on privity of contract only, as debt by lessor against lessee or his executor in the *detinet* only, or covenant by lessor or the grantee of the reversion against the lessee, see Tidd Prac. 429. The effect of Stat. 32 H. 8, c. 34, upon the common law, in respect of such actions, (it being recollected that, at common law, covenants ran with the *land* but not with the *reversion*, so that the assignee of the lessee was held to be liable **487** in and entitled to bring covenant, but the assignee of the *lessor was not, and the act gives assignees of the reversion "the like advantages" against the lessee, and the lessee "the like action and remedy" against the assignee of the reversion, as the lessor and lessee had theretofore respectively possessed against each other, which were by an action founded on *the contract* into which they had entered with one another) is shortly stated by Mr. Smith in his note to *Mostyn v. Fabrigas*, 1 Smith Lead. Cas. 340, to be, that actions by lessor against lessee, lessee against lessor, assignee of reversion against lessee, lessee against assignee of reversion are transitory; but that actions by lessor against assignee of lessee, assignee of lessee against lessor, assignee of lessee against assignee of lessor, and assignee of lessor against assignee of lessee are local; which is agreeable to the distinction mentioned above between actions founded on the privity of estate and those founded on the privity of contract, where not changed by Statute; and see *Thursby v. Plant*, 1 Wms. Saund. 238.

Actions or informations by common informers are also, under 31 Eliz. c. 5, and 21 Jac. 1, c. 4, (*q. v.*) *quasi* local, and the venue must be laid in such actions or informations in the county where the offence was committed. Actions of replevin also must be brought in the county where the chattels to be replevied were taken or are, and a *scire facias* to revive a judgment must be brought in the county where the record is, for it is but a continuation of the former proceeding, *Wharton v. Musgrave*, Cro. Jac. 331; Code, Art. 75, sec. 87.² These matters are still important because actions, which were local at common law, remain local now, *Patterson v. Wilson supra*, in which an action on the case in the nature of waste was held to be local and unaffected by the legislation of Maryland.

In what county person suable?—By the Code, Art. 75, sec. 87,³—in part

² See note 3 *infra*.

³ This section was repealed and re-enacted by the Act of 1888, ch. 456, and again by the Act of 1898, ch. 255. It is now as follows: "No person shall be sued out of the county in which he resides until the sheriff or coroner of the county in which he resides shall have returned a *non est* on a summons issued in such county; provided, that nothing herein contained shall apply to any person who shall abscond from justice in the county where he lives, but such person may be sued in any county where he may be found; and provided further, that any person who resides in one county but carries on any regular business, or habitually engages in any avocation or employment in another county, may be sued in either county, whether before a justice of the peace or in a court of law or equity; this section not to apply to ejectment, dower, replevin, *scire facias* on judgment or decree, nor to heirs, devisees or terre-tenants,